

Memorandum of Points and Authorities of Case Law, pertaining to "Right to access courts" and "Right to self-representation as due process."

Title 5 USC Section 3331; (Oath of Office) all individuals, elected or appointed to an office of honor in the civil service, are obligated to the U.S. Constitution against all enemies foreign and domestic.

"The Federal judiciary is supreme in the exposition of the law of the Constitution"; reference; [William G. Cooper v. John Aaron].

"District courts denial of appellants request to be permitted to defend pro se was also prejudicial"; reference; [United States v. Plattner].

has an unquestioned right to defend himself. First, an accused should never have counsel not of his choice forced upon him". reference, [Reynolds v. United States].

"The right to proceed in propria persona, whether it be founded on a constitutional or statutory right, is one which must be timely asserted, and accompanied by valid waiver of counsel."; reference; [United States v. Jones].

"Due process of law signifies a right to be heard in ones defense"; reference; [Charles Hovey v. George Elliott].

"In resolving conflicting claims concerning the meaning of the due process clause" "the Supreme Court of the United States has looked increasingly to the Bill of Rights"; reference; [Gary Duncan v. Louisiana].

"The due course of legal proceedings, according to those rules and forms which have been established for the protection of private rights, is due process of law."; reference; [John K. Kennard v. State of Louisiana].

"The provision of Article 3 of the Federal Constitution dealing with the judicial power of the United States are designed to give judges maximum freedom from possible coercion or influence by the executive or legislative branches of government."; reference; [United States Ex Rel. Audrey M. Toth v. Donald A. Quarles].

Pepo H. El

Docket number; 1:21-CR-10045-ADB

Jem

Aug. 3 / 2023



"Each of the three departments of government, created by the Constitution, should be kept completely independent of the others, so that the acts of each shall not be controlled by or subjected, directly or indirectly, to the coercive influence of either of the others."; reference; [Daniel W. O'Donoghue]

"a specific definition of "collusion", which is as follows: An agreement between two or more persons, to defraud a person of his rights by the forms of law"; reference, [Maclean Townhomes LLC v. Charter Oak Fire Insurance Co.]

"a statute apparently governing a dispute cannot be applied by judges, consistently with their obligations under the Supremacy Clause, when such an application of the statute would conflict with the constitution"; reference; [Evelle J. Younger v. John Harris]

"A rule of practice must not be allowed for any technical reason to prevail over a Constitutional right."; reference; [Thomas Agnello v. United States]

"the court shall commit the defendant to the custody of the Attorney General"; reference; 18 USC Section 4241(d).

"mere fact of mental diagnosis did not mandate a competency hearing under 18 USC Section 4241(a)". reference; [United States v. Garcia]

"The Fifth Amendment contains no equal protection clause, and it only restrains such discriminatory legislation by Congress as amounts to a denial of due process."; reference; [Gordon Kiyoshi Hirabayashi v. United States]

"Article 1 of the Constitution grants Congress broad powers to legislate in certain areas." "Those legislative powers are limited not only by the scope of affirmative delegation, but also by the principle that they may not be exercised in a way that violates other specific provisions of the Constitution."; reference; [Rita L. Saenz v. Brenda Roe]

